

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

America Surety Company

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SCDOI Docket # 06-0801

**ORDER IMPOSING
ADMINISTRATIVE FINE
OF \$500.00**

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting that an administrative fine of \$500.00 be imposed on America Surety Company (Insurance Company).

After careful review of the evidence presented, the Department issues the following decision.

FINDINGS OF FACT

Insurance Company is currently licensed to transact business in the State of South Carolina.

In the State of South Carolina, the insurance company failed to pay bond estreatments in a timely manner, in the amount of \$3,500.00 to the Greenville County Clerk of Court and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law.

CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-53-150(A)(9) (A)“The director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes:” (9) “for failing to pay any judgment or decree rendered on any forfeited undertaking in any court of competent jurisdiction.” Because America Surety Company failed to pay bond estreatments in a timely manner, in the amount of \$3,500.00 to the Greenville County Clerk of Court and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law, the Department now moves to impose an administrative fine of \$500.00, in lieu of probation, suspension or revocation

THEREFORE, it is ordered that America Surety Company, a South Carolina licensed insurance company, shall pay an administrative fine of \$500.00 within thirty (30) days from the date of this order, unless America Surety Company requests in writing within said thirty (30) days period a public hearing before the South Carolina Administrative Law Court. If America

Surety Company fails to pay the administrative fine as stated or request a public hearing before the South Carolina Administrative Law Court within thirty (30) days from the date of this order, America Surety Company license to transact insurance business within this State will be summarily revoked without any further disciplinary proceedings.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *freedom of Information Act*, S.C. Code Ann. §§30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. §38-3-110(3) (Supp. 2000).



Scott H. Richardson
Director of Insurance

Dated this 28 day of February 2007